

ALL INDIA COUNCIL FOR PHYSICAL EDUCATION ACT, 2007

30th December 2006

Foundation and Enactment of All India Council for Physical Education (AICPE) Introduction of Legislation to establish and vest the Council with statutory authority.

AN ACT TO PROVIDE FOR THE CONSTITUTION OF ALL INDIA COUNCIL FOR PHYSICAL EDUCATION AND THE MAINTENANCE OF A PHYSICAL EDUCATION PROFESSIONALS REGISTER FOR INDIA AND FOR MATTERS CONNECTED THEREWITH TO MONITOR, IMPLEMENT AND GUIDE THE CENTRAL / STATE GOVERNMENTS IN ALL MATTERS RELATING TO PHYSICAL EDUCATION AND TO ENSURE THE COORDINATED DEVELOPMENT OF PHYSICAL EDUCATION IN ACCORDANCE WITH APPROVED STANDARDS.

Be it enacted by Parliament in the fiftyseventh year of the Republic of India as follows:-

1. SHORT TITLE, EXTENT & COMMENCEMENT

1. This Act shall be called, "**All India Council for Physical Education Act, 2007**"
2. It extends to the whole of India.
3. It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf and different dates may be appointed for different provisions and regulations of this act.

2. DEFINITIONS

In this Act, unless the context otherwise requires:-

- a. "**Council**" means the All India Council for physical education constituted under this Act.
- b. "**Approved institution**" means a School, College, Institution, Fitness Centers, Health Centers or other such institution recognised by the council as an institution in which a person may take an employment after the education and fitness training, if any, required by the course of study before the award of any physical education qualification to him.
- c. "**Physical Education**" would mean Programme of Education, Research and Training in Physical Education, Sports, Yoga and other related innovated and multidisciplinary sciences.
- d. "**Indian Physical Education Professional's Register**" means the register maintained by the Council for the persons who profess the Physical Education Professions in any manner by holding a recognised degree of Physical Education approved by the Council.
- e. "**Physical Education Institution**" means any institution, within or out of India, which offer Courses or Programmes in Physical Education and Sports Sciences that grants degrees, diplomas or licenses in Physical Education being notified by the Central Government as Physical education institutions after consultation with Council.

- f. **'Universities'** are those institutions defined as universities in the UGC Act, 1956 and include an institution deemed to be a university under Section 3 of that Act and having a Physical Education faculty.
- g. **"Prescribed"** means prescribed by rules and regulations made under this Act
- h. **"Recognised Physical Education Qualification"** means any of the physical education qualifications by Council and as per AICPE Act. 2007.
- i. **"Regulation"** means a regulation made by Council under this Act.
- j. **"State Physical Education Council"** means a physical education council constituted in any State regulating the registration of professionals of physical education with the approval of the AICPE.
- k. **"State Physical Education Professional's Register"** means a register maintained in any State regulating the registration of professionals of physical education in accordance with the law of AICPE.
- l. **"Physical Education Graduates"** means a person who has obtained a bachelor's degree in physical education (which shall be not less than three years duration) from any University established by law and recognised by the University Grant Commission.
- m. **"Physical Education Post Graduates"** means a person who has obtained a Master's degree (which shall be not less than of two years duration, and must have completed after obtaining a bachelor's degree in physical education) or any degree beyond Master's degree in physical education from any University established by law and recognised by the University Grant Commission.
- n. **"University Grant Commission"** means the University Grant Commission under the provisions of the University Grant Commission Act, 1956.
- o. **"Physical Education Professionals"** means a physical education graduates or physical education postgraduate enrolled in the physical education professional's register and authorised by the council for professing or any employment for imparting physical education programmes and curriculum in any approved institution or physical education institution under this Act.
- p. **"Chairman"** there shall be a chairman of the council elected by council or nominated during the transitional provisions in such a manner as prescribed.
- q. **"Vice-Chairman"** there shall be a Vice-chairman for each state council elected by the State Council in such a manner as prescribed.
- r. **"Secretary"** there shall be a Secretary of the AICPE and each State council elected by council in such a manner as prescribed.
- s. **"Founder Members"** all the persons having a recognised physical education post graduates degree in accordance with Act and agrees to constitute the All India Council for Physical Education and have paid the life member ship worth Rs. 5000.00 shall be the founder members.
- t. **"Central Government"** means the Department of Higher Education in the Ministry of Human Resource & Development of the Government of India.
- u. **"State Government"** means the Department Higher Education in the concerned State of Union Territory where the University or Physical Education Institution is situated.
- v. **"All India Association of Principals of Physical Education colleges"** means the associations of the Principals of the Physical Education Colleges or the colleges imparting the programmes of Physical Education duly appointed under the provisions of any law and

appointed in the Professors Pay Scale of the University Grant Commission, after attaining the Doctoral Degree in Physical Education.

3. CONSTITUTION AND COMPOSITION OF THE COUNCIL.

1. The Central Government shall cause to be constituted a council consisting of the following members, however the founder members shall continued to be the members of the council: -
 - a. One member from each State and Union Territory to be nominated by the Central Government in consultation with the State Government concerned who have been enrolled in the State Physical Education Professional's Register.
 - b. One member from each University to be elected from amongst the members of the physical education faculty of the University by members of the executive council of the University or in case the University has no executive council by members of the Court.
 - c. One member from each State in which a State Physical Education Professional's Register is maintained, to be elected from amongst themselves by persons enrolled on such register who possess the physical education qualifications included in the Act.
 - d. Seven members to be elected from amongst themselves by persons enrolled either in the Indian Physical Education Professional' Register or in any of the State Physical Education Professional's Registers who possess the physical education post graduate qualifications included in Act.
 - e. Eight members to be nominated by the Central Government who possess the physical education post graduate qualifications included in Act.
2. The members of the Council from amongst themselves shall elect the Chairman, Secretary of the Council and Vice-Chairman of the State Council. The Chairman and Vice-chairman shall be holding minimum the post of a Principal / Dean of a College of Physical Education or a college having a department of Physical Education or Dean of the University teaching Department of Physical Education after attaining the Doctoral Degree of Physical Education.
3. No act done by the Council shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Council.

4. MODE OF ELECTION

1. (a) An election under clause (b), clause (c) or clause (d) of sub-section (1) of section 3 shall be conducted in accordance with such rules as may be made by it in this behalf, and any rules so made may provide that pending the preparation of the Indian Physical Education Professional's Register in accordance with provisions of this Act, the members referred to in clause (d) of sub-section (1) of section 3 may be nominated by the founder members instead of being elected as provided therein.
2. The Founder Chairman, Secretary of the Council and Vice-chairman State Council shall be nominated by the founder members

3. Where any dispute arises regarding any election to the Council, it shall be referred to the Central Government for conduct of fresh election in accordance with the rules made here in above, whose decision shall be final.

5. RESTRICTIONS ON NOMINATION AND MEMBERSHIP

No person shall be eligible for nomination under clause (a) of sub-section (1) of section 3 unless he possesses any of the physical education qualifications included in the Act, resides in the State concerned, and where a State Physical Education Professional's Register is maintained in that State, is enrolled on that Register.

1. No person may at the same time serve as a member in more than one capacity.

6. INCORPORATION OF THE COUNCIL

The Council so constituted shall be a body corporate by the name of the All India Council for Physical Education, having perpetual succession and a common seal, with power to acquire and hold property, both movable and immovable, and to contract and shall by the said name sue and be sued.

7. TERM OF OFFICE OF PRESIDENT, VICE-PRESIDENT AND MEMBERS

1. The Chairman or Vice-chairman of the Council shall hold office for a term not exceeding five years and not extending beyond the expiry of his term as member of the Council. However the Chairman or Vice-chairman nominated during the transitional period shall be eligible to hold the office for a next term of five years from the date of the commencement of this Act.
2. Subject to the provisions of this section, a member shall hold office for a term of five years from the date of his nomination or election or until his successor shall have been duly nominated or elected, whichever is longer.
3. An elected or nominated member shall be deemed to have vacated his seat if he is absent without excuse, sufficient in the opinion of the Council from three consecutive ordinary meetings of the Council, or in the case of a member elected under clause (b) of sub-section (1) of section 3, if he ceases to be a member of the medical faculty of the university concerned, or in the case of a member elected under clause (c) or clause (d) of that sub-section, if he ceases to be a person enrolled on the State Physical Education Professional's Register concerned.
4. A casual vacancy in the Council shall be filled by nomination or election, as the case may be, and the person nominated or elected to fill the vacancy shall hold office only for the remainder of the term for which the member whose place he takes was nominated or elected.
5. Members of the Council shall be eligible for re-nomination or re-election.
6. Where the said term of five years is about to expire in respect of any member, a successor may be nominated or elected at any time within three months before the said term expires but he shall not assume office until the said term has expired.

8. MEETINGS OF THE COUNCIL

The Council shall meet at least once in each quarter of the year at such time and place as may be appointed by the Council.

1. Unless otherwise provided by regulations fifteen members of the Council shall form a quorum, and all the acts of the Council shall be decided by a majority of the members present and voting.

9. OFFICERS, COMMITTEES AND SERVANTS OF THE COUNCIL

The Council Shall:

1. constitute from amongst its members an Executive Committee and such other committees for general or special purposes, as the Council deems necessary to carry out the purposes of this Act.
2. appoint a Director (Administration) who shall act as head of the Office under the control of Chairman and Secretary.
3. appoint a Director (Finance) and who may also, if deemed expedient, act as Finance Officer under the control of the Secretary.
4. employ such other persons, as the Council deems necessary to carry out the purposes of this Act.
5. require and take from the Directors or from any other employee, such security for the due performance of his duties as the Council deems necessary and
6. With the previous sanction of the Executive Committee and Central Government fix the remuneration and allowances to be paid to the President, Vice-President and members of the Council and determine the conditions of service of the employees of the Council.

10. THE EXECUTIVE COMMITTEE

The Executive Committee, hereinafter referred to as the Committee shall consist of the Chairman and Secretary of the Council of the and Vice-chairman of the State Council, who shall and not less than seven and not more than ten other members who shall be elected by the Council from amongst its members. They shall hold the office of the executive committee for the terms of five year from the date of their election.

1. The Chairman and Secretary shall be the President and Secretary of the Executive Committee. The President of the Executive Committee shall be elected from amongst the Vice-chairmans of the State Council
2. In addition to the powers and duties conferred and imposed upon it by this Act, the Committee shall exercise and discharge such powers and duties as the Council may confer or impose upon it by any regulations which may be made in this behalf.

10.A PERMISSION FOR ESTABLISHMENT OF NEW PHYSICAL EDUCATION COLLEGE / INSTITUTION, NEW COURSE OF STUDY ETC.

1. Notwithstanding anything contained in this Act or any other law for the time being in force:-
 - a. no person shall establish a Physical Education college or Institution (or)

- b. no Physical Education College or Institution shall:-
 - i. open a new or higher course of study or training (including a postgraduate course of study or training) which would enable a student of such course or training to qualify himself for the award of any recognised physical education qualification; or
 - ii. increase its admission capacity in any course of study or training (including a postgraduate course of study or training), except with the previous permission of the Central Government obtained in accordance with the provisions of this section.

Explanation 1 - For the purposes of this section, "person" includes any University or a trust or a society incorporated by an individual or State or Central Government.

Explanation 2 - For the purposes of this section "admission capacity" in relation to any course of study or training (including postgraduate course of study or training) in a physical education institution / college, means the maximum number of students that may be fixed by the Council from time to time for being admitted to such course or training.

2. a. Every person or physical education college shall, for the purpose of obtaining permission under sub-section (1), submit to the Central Government a scheme in accordance with the provisions of clause (b) and the central Government shall refer the scheme to the Council for its recommendations.
 - b. The Scheme referred to in clause (a) shall be in such form and contain such particulars and be preferred in such manner and be accompanied with such fee as may be prescribed.
3. On receipt of a scheme by the Council under sub-section (2) the Council may obtain such other particulars as may be considered necessary by it from the person or the physical education college concerned, and thereafter, it may -
 - a. if the scheme is defective and does not contain any necessary particulars, give a reasonable opportunity to the person or college concerned for making a written representation and it shall be open to such person or physical education college to rectify the defects, if any, specified by the Council.
 - c. consider the scheme, having regard to the factors referred to in sub-section (7) and submit the scheme together with its recommendations thereon to the concerned state / Central Government.
4. The Central Govt. may after considering the scheme and the recommendations of the Council under sub-section (3) and after obtaining, where necessary, such other particulars as may be considered necessary by it from the person or college concerned, and having regard to the factors referred to in sub-section (7), either approve (with such conditions, if any, as it may consider necessary) or disapprove the scheme, and any such approval shall be a permission under sub-section(1): Provided that no scheme shall be disapproved by the Central Government except after giving the person or college concerned a reasonable opportunity of being heard; Provided further that nothing in this sub section shall prevent any person or physical education college whose scheme has not been approved by the Central Government to submit a fresh scheme and the provisions of this section shall apply to such scheme, as if such scheme has been submitted for the first time under sub-section (1).

5. Where, within a period of one year from the date of submission of the scheme to the Central Government under sub-section (1), no order passed by the Central Government has been communicated to the person or college submitting the scheme, such scheme shall be deemed to have been approved by the Central Government in the form in which it had been submitted, and accordingly, the permission of the Central Government required under sub-section (1) shall also be deemed to have been granted.
6. In computing the time-limit specified in sub-section (5), the time taken by the person or college concerned submitting the scheme, in furnishing any particulars called for by the Council, or by the Central Government, shall be excluded.
7. The Council, while making its recommendations under clause (b) of sub-section (3) and the Central Government, while passing an order, either approving or disapproving the scheme under sub-section (4), shall have due regard to the following factors, namely:-
 - a. whether the proposed physical education college or the existing physical education college seeking to open a new or higher course of study or training, would be in a position to offer the minimum standards of physical education as prescribed by the Council under section 19A or, as the case may be under section 20 in the case of postgraduate physical education education.
 - b. whether the person seeking to establish a physical education college or the existing physical education college seeking to open a new or higher course of study or training or to increase its admission capacity has adequate financial resources;
 - c. whether necessary facilities in respect of staff, equipment, accommodation, training and other facilities to ensure proper functioning of the physical education college or conducting the new course or study or training or accommodating the increased admission capacity, have been provided or would be provided within the time-limit specified in the scheme.
 - d. whether adequate sports facilities, play grounds and gymnasiums having regard to the number of students likely to attend such physical education college or course of study or training or as a result of the increased admission capacity, have been provided or would be provided within the time-limit specified in the scheme;
 - e. whether any arrangement has been made or programme drawn to impart proper training to students likely to attend such physical education college or course of study or training by persons having the recognised physical education qualifications;
 - f. the requirement of manpower in the field of practice of physical education and any other factors as may be prescribed.
 - g. Where the Central Government passes an order either approving or disapproving a scheme under this section, a copy of the order shall be communicated to the person or college concerned.

10.B. NON-RECOGNITION OF PHYSICAL EDUCATION QUALIFICATIONS IN CERTAIN CASES.

1. Where any physical education college is established except with the previous permission of the Central Government in accordance with the provisions of section 10A, no physical education qualification granted to any student of such physical education college shall be a recognised physical education qualification for the purposes of this Act.

2. Where any physical education college opens a new or higher course of study or training (including a postgraduate course of study or training) except with the previous permission of the Central Government in accordance with the provisions of section 10A, no physical education qualification granted to any student of such physical education college on the basis of such study or training shall be a recognised physical education qualification for the purposes of this Act.
3. Where any physical education college increases its admission capacity in any course of study or training except with the previous permission of the Central Government in accordance with the provisions of section 10A, no physical education qualification granted to any student of such physical education college on the basis of the increase in its admission capacity shall be a recognised physical education qualification for the purposes of this Act.

Explanation - For the purposes of this section, the criteria for identifying a student who has been granted a physical education qualification on the basis of such increase in the admission capacity shall be such as may be prescribed.

10.C. TIME FOR SEEKING PERMISSION FOR CERTAIN EXISTING PHYSICAL EDUCATION COLLEGES, ETC.

1. If, before the commencement of the All India Council for Physical Education Act, 2007 any person has established a physical education college or any physical education college has opened a new or higher course of study or training or increased the admission capacity under the provisions of the National Council for Teacher Education Act, 1993, such person or physical education college, as the case may be, shall seek, within a period of six months from the commencement of the All India Council for Physical Education Act, 2007 the permission of the Central Government in accordance with the provisions of section 10A.
2. If any person or physical education college, as the case may be fails to seek the permission under sub section (1) of the provisions of section 10B shall apply, so far as may be as if, permission of the Central Government under section 10A has been refused;

11. RECOGNITION OF PHYSICAL EDUCATION QUALIFICATION GRANTED BY UNIVERSITIES OR PHYSICAL EDUCATION INSTITUTIONS IN INDIA.

1. The physical education qualifications granted by any university or physical education Institution in India which are included in the first Schedule shall be recognised physical education qualifications for the purposes of this Act.
2. Any university or physical education Institution in India which grants a physical education qualification not included in the First Schedule may apply to the Central Govt., to have such qualification recognised, and the Central Government, after consulting the Council, may, by notification in the official Gazette, amend the First Schedule so as to include such qualification therein, and any such notification may also

direct that an entry shall be made in the last column of the First Schedule against such physical education qualification declaring that it shall be a recognised physical education qualification only when granted after a specified date.

12. RECOGNITION OF PHYSICAL EDUCATION QUALIFICATIONS GRANTED BY PHYSICAL EDUCATION INSTITUTIONS IN COUNTRIES WITH WHICH THERE IS A SCHEME OF RECIPROCITY

1. The medical qualifications granted by physical education institutions outside India which are included in the Second Schedule shall be recognised physical education qualifications for the purposes of this Act.
2. The Council may enter into negotiations with the Authority in any country outside India which by the law of such country is entrusted with the maintenance of a register of physical education professionals, for the settling of a scheme of reciprocity for the recognition of physical education qualifications and in pursuance of any such scheme, the Central Government may, by notification in the official Gazette, amend the Second Schedule so as to include therein the physical education qualification which the Council has decided should be recognised and any such notification may also direct that an entry shall be made in the last column of the Second Schedule against such physical education qualification declaring that it shall be a recognised physical education qualification only when granted after a specified date.
3. The Central Government, after consultation with the Council, may, by notification in the Official Gazette, amend the Second Schedule by directing that an entry be made therein in respect of any physical education qualification declaring that it shall be recognised physical education qualification only when granted before a specified date.
4. Where the Council has refused to recommend any physical education qualification which has been proposed for recognition by any Authority referred to in sub-section (2) and that Authority applies to the Central Government in this behalf, the Central Government, after considering such application and after obtaining from the council a report, if any, as to the reasons for any such refusal, may by notification in the Official Gazette, amend the Second Schedule so as to include such qualification therein and the provisions of sub-section (2) shall apply to such notification.

13. RECOGNITION OF PHYSICAL EDUCATION QUALIFICATION GRANTED BY CERTAIN OF PHYSICAL EDUCATION INSTITUTIONS WHOSE QUALIFICATIONS ARE NOT INCLUDED IN THE FIRST OR SECOND SCHEDULE

1. The physical education qualifications granted by physical education institutions in India which are not included in the Act, shall also be recognised physical education qualification for the purposes of this Act, if the physical education qualifications granted to a citizen of India in Physical Education Institution / College / University recognised by National Council for Teacher Education Act, 1993. No person possessing any such qualification shall be entitled to enrolment on any

State Physical Education Professional's Register unless he has undergone such practical training after obtaining that qualification as may be required the ICPE Act, 2007.

2. The physical education qualifications granted to a citizen of India:-
 - a. before the 15th day of August, 1947, by physical education institutions in the territories now forming part of Pakistan, and,
 - b. before the 1st day of April, 1937, by physical education institutions in the territories now forming part of Burma, which are included in part 1 of the Third Schedule shall also be recognised physical education qualifications for the purposes of this Act.
3. The physical education qualifications granted by physical education institutions outside India, before such date as the Central Government may, by notification in the Official Gazette, specify which are included in recognised physical education qualifications for the purposes of this Act, but no person possessing any such qualification shall be entitled to enrolment on any State Physical Education Professional's Register unless he is a citizen of India and has undergone such practical training after obtaining that qualification as may be required by the rules or regulations in force in the country granting the qualification, or if he has not undergone any practical training in that country he has undergone such practical training as may be prescribed.
4. The Central Government, after consulting the Council, may, by notification in the Official Gazette, to include therein any qualification granted by a physical education institution outside India, which is not included in the Act, 2007. Provided that after the commencement of the National Council for Teachers Education Act, 1993 no such amendment shall be made in to include any primary physical education qualification granted by any physical education institution outside India:

Provided further that nothing contained in the first proviso shall apply to any primary physical education qualification granted by any physical education institution outside India to any person whose name is entered in the Indian physical education professional's Register.

Explanation- For the purposes of this sub-section, "primary physical education qualification" means any minimum qualification sufficient for enrolment on any State physical education professional's Register or for entering the name in the Indian physical education professional's Register.

(4A) A person who is a citizen of India and obtains physical education qualification granted by any physical education institution in any country outside India recognised for enrolment as physical education professionals in that country after such date as may be specified by the Central Government under sub-section (3), shall not be entitled to be enrolled on any physical education professional's Register maintained by a State physical education Council or to have his name entered in the Indian physical education professional's Register unless he qualified the screening test in India prescribed for such purpose and such foreign physical education qualification after such person qualifies

that said screening test shall be deemed to be the recognised physical education qualification for the purposes of this Act for that person.

(4B) A person who is a citizen of India shall not, after such date as may be specified by the Central Government under sub-section (3), be eligible to get admission to obtain physical education qualification granted by any physical education institution in any foreign country without obtaining an eligibility certificate issued to him by the Council and in case any such person obtains such qualification without obtaining such eligibility certificate, he shall not be eligible to appear in the screening test referred to in sub-section (4A):

Provided that an Indian citizen who has acquired the physical education qualification from foreign physical education institution or has obtained admission in foreign physical education institution before the commencement of the National Council for Teacher Education, 1993 shall not be required to obtain eligibility certificate under this sub-section but, if he is qualified for admission to any physical education course for recognised physical education qualification in any physical education institution in India, he shall be required to qualify only the screening test prescribed for enrolment on any State physical education professional's Register or for entering his name in the Indian physical education professional's Register.

(4C) Nothing contained in sub-sections (4A) and (4B) shall apply to the physical education qualifications referred to in section 14 for the purposes of that section.

5. Any physical education institution in India, which is desirous of getting a physical education qualification granted by it included in the Act. may apply to the Central Government to have such qualification recognised and the Central Government, after consulting the Council, may by notification in the Official Gazette, to include such qualification therein, and any such notification may also direct that an entry shall be made shall be a recognised physical education qualification only when granted after a specified date.

14. SPECIAL PROVISION IN CERTAIN CASES FOR RECOGNITION OF PHYSICAL EDUCATION QUALIFICATIONS GRANTED BY PHYSICAL EDUCATION INSTITUTIONS IN COUNTRIES WITH WHICH THERE IS NO SCHEME OF RECIPROCITY.

1. The Central Government after consultation with the Council, may, by notification in the Official Gazette, direct that physical education qualifications granted by physical education institutions in any country out-side India in respect of which a scheme of reciprocity for the recognition of physical education qualifications is not in force, shall be recognised physical education qualification for the purposes of this Act or shall be so only when granted after a specified date:

Provided that physical education practice by persons possessing such qualifications: -

- a. shall be permitted only if such persons are enrolled as physical education professionals in accordance with the law regulating the

registration of physical education professional for the time being in force in that country;

- b. shall be limited to the institution to which they are attached for the time being for the purposes of teaching, research or charitable work ; and
- c. shall be limited to the period specified in this behalf by the Central Government by general or special order.

- 2. In respect of any such physical education qualification the Central Government, after consultation with the Council may, by notification in the Official Gazette direct that it shall be a recognised physical education qualification only when granted before a specified date.

15. RIGHT OF PERSONS POSSESSING QUALIFICATIONS IN THE SCHEDULES TO BE ENROLLED.

- 1. Subject to the other provisions contained in this Act, the physical education qualifications included in the Schedules shall be sufficient qualification for enrolment on any State physical education professional's Register.
- 2. Save as provided in section 25, no person other than a physical education professional enrolled on a State physical education professional's Register:-
 - a. shall hold office as Physical Education Teacher or Physical Education / Sports Director or Physical Education Lecturer or any other office (by whatever designation called) in Government or in any institution maintained by a local or other authority;
 - b. shall work as physical education professional or fitness trainer or coach of any sports in any State;
 - c. shall be entitled to sign or authenticate a physical fitness certificate or any other certificate required by any law to be signed or authenticated by a duly qualified physical education professionals;
 - d. shall be entitled to give evidence at any inquest or in any court of law as an expert under section 45 of the Indian Evidence Act, 1872 on any matter relating.
- 3. Any person who acts in contravention of any provision of sub-section (2) shall be punished with imprisonment for a term which may extend

to one year or with fine which may extend to ten thousand rupees, or with both;

16. POWER TO REQUIRE INFORMATION AS TO COURSES OF STUDY AND EXAMINATIONS

Every University or physical education institution in India which grants a recognised physical education qualification shall furnish such information as the Council may, from time to time, require as to the courses of study and examinations to be undergone in order to obtain such qualification, as to the ages at which such courses of study and examinations are required to be undergone and such qualification is conferred and generally as to the requisites for obtaining such qualification.

17. INSPECTION OF EXAMINATIONS

1. The Committee shall appoint such number of physical education inspectors as it may deem requisite to inspect any physical education institution, college, training / coaching centers or other institution where physical education is given, or to attend any examination held by any University or physical education institution for the propose of recommending to the Central Government recognition of physical education qualifications granted by the University or physical education institution.
2. The physical education inspectors shall not interfere with the conduct of any training or examination, but shall report to the committee on the adequacy of the standards of physical education including staff, equipment, accommodation, training facilities prescribed for giving physical education or on the sufficiency of every examination which they attend, along with the video recording of the inspection in DVD .
3. The Committee shall forward a copy of any such report along with video recordings of the inspection to the university or physical education institution concerned and shall also forward a copy with the remarks of the University or institution thereon, to the Central Government.

18. VISITORS AT EXAMINATIONS

1. The Council may appoint such number of visitors, as it may deem requisite to inspect any physical education institution, college, training / coaching centers or other institution where physical education is given, or to attend any examination held by any University or physical education institution for the purpose of granting recognised physical education qualifications.
2. Any person, whether he is a member of the Council or not may be appointed as a visitor under this section but a person who is appointed as an inspector under section 17 for any inspection or examination shall not be appointed as a visitor for the same inspection or examination.
3. The visitors shall not interfere with the conduct of any training or examination but shall report along with the video recordings of

attending the visit to the Chairman of the Council on the adequacy of the standards of physical education including staff, equipment, accommodation, training and other facilities prescribed for giving physical education or on the sufficiency of every examination, which they attend.

4. The report of a visitor shall be treated as confidential unless in any particular case the Chairman of the Council otherwise directs:

Provided that if the Central Government requires a copy of the report of a visitor, the Council shall furnish the same.

19. WITH DRAWAL OF RECOGNITION

1. When upon report by the Committee or the visitor it appear to the Council:-
 - a. that the courses of study and examination to be undergone in, or the proficiency required from candidates at any examination held by any University or physical education institution,
 - b. that the staff, equipment accommodation, training and other facilities for instruction and training provided in such University or physical education institution or in any college or other institution affiliated to that University, do not conform to the standards prescribed by the Council, the Council shall issue notice stating why not recognition of such University or physical education college be withdrawn for submitting their representation / explanation within three weeks
 - c. After considering such representation, the Council may send it to the State Government of the State in which the University or physical education Institution is situated and the State Government shall within the period of two weeks, forward it along with such remarks as it may choose to make to the University or physical education Institution, with an intimation to the Council and Central Government .
2. On the receipt of the explanation or, where no explanation is submitted within the period fixed, then on the expiry of that period, the Council shall make its recommendations to the Central Government
3. The Central Government, after making such further inquiry, if any, as it may think fit, may by notification in the official Gazette, direct that an entry shall be made in the appropriate Schedule against the said physical education qualification declaring that it shall be a recognised physical education qualification, only when granted before a specified date or that the said physical education qualification if granted to students of a specified college or institution affiliated to any university shall be a recognised physical education qualification only when

granted before a specified date or, as the case may be, that the said physical education qualification shall be a recognised physical education qualification in relation to a specified college or institution affiliated to any University only when granted after a specified date.

19.A MINIMUM STANDARDS OF PHYSICAL EDUCATION

1. The Council may prescribe the minimum standards of physical education required for granting recognised physical education qualifications (other than postgraduate physical education qualifications) by universities or physical education institutions in India.
2. Copies of the draft regulations and of all subsequent amendments thereof shall be furnished by the Council to all State Governments and the Council shall before submitting the regulations or any amendment thereof, as the case may be, to the Central Government for sanction, take into consideration the comments of any State Government received within three months from the furnishing of the copies as aforesaid.
3. The Committee shall from time to time report to the Council on the efficacy of the regulations and may recommend to the Council such amendments thereof as it may think fit.

20. POST-GRADUATE PHYSICAL EDUCATION COMMITTEE FOR ASSISTING COUNCIL IN MATTERS RELATING TO POST-GRADUATE PHYSICAL EDUCATION

1. The Council may prescribe standards of Postgraduate Physical Education for the guidance of Universities, and may advise Universities in the matter of securing uniform standards for Postgraduate physical Education through out India, and for this purpose the Council with the approval of the Central Govt. may constitute from among the members of the Council a Postgraduate physical Education Committee (hereinafter referred to as the Post-graduate Committee)
2. The Postgraduate Committee shall consist of nine members all of whom shall be persons possessing Doctoral Physical Education qualifications not holding the post of less than Principal of any college of Physical Education or imparting Physical Education or Professors having teaching or examining postgraduate students of physical education for atleast 10 years. All the members shall be in the professor's pay scales of the University Grant Commission.
3. Three of the members of the Postgraduate Committee shall be nominated by the Central Government one members each shall be nominated by the University Grant Commission and State Government where the University or the Physical Education college is situated and

the remaining four members shall be elected by the Council from amongst its members.

4. For the purpose of considering postgraduate studies in any innovative and multidisciplinary subject, the Postgraduate Committee may co-opt, as and when necessary, one or more members in the rank of Professor qualified to assist it in that subject.
5. The views and recommendations of the Postgraduate Committee on all matters shall be placed before the Council and if the Council does not agree with the views expressed or the recommendations made by the Postgraduate Committee on any matter, the Council shall forward them together with its observations to the Central Government for decision.

20.A PROFESSIONAL CONDUCT

1. The Council may prescribe standards of professional conduct and etiquette and a code of ethics for physical education professionals
2. Regulations made by the Council under sub-section (1) may specify which violations thereof shall constitute infamous conduct in any professional respect, that is to say, professional misconduct, and such provisions shall have effect notwithstanding anything contained in any law for the time being in force.

21. INDIAN PHYSICAL EDUCATION PROFESSIONAL'S REGISTER

1. The Council shall cause to be maintained in the prescribed manner a register of Physical Education Professionals to be known as the Indian physical education professional's Register, which shall contain the names of all persons who are for the time being enrolled on any State physical education professional's Register and who possess any of the recognised physical education qualifications.
2. It shall be the duty of the Secretary of the Council to keep the Indian physical education professional's Register in accordance with the provisions of this Act and of any orders made by the Council, and from time to time to revise the register and publish it in the Gazette of India and in such other manner as may be prescribed.
3. Such register shall be deemed to be public document within the meaning of the Indian Evidence Act, 1872 and may be proved by a copy published in the Gazette of India.

22. SUPPLY OF COPIES OF THE STATE PHYSICAL EDUCATION PROFESSIONAL'S REGISTERS

Each State physical education Council shall supply to the Council six printed copies of the State physical education professional's Register as soon as may be after the commencement of this Act and

subsequently after the first day of April of each year, and each Registrar of a State physical education Council shall inform the Council without delay of all additions to and other amendments in the State physical education professional's Register made from time to time.

23. REGISTRATION IN THE INDIAN PHYSICAL EDUCATION PROFESSIONAL'S REGISTER

The Secretary of the Council, may, on receipt of the report of registration of a person in a State physical education professional's register or on application along with the fee made in the prescribed manner by any such person, enter his name in the Indian physical education professional's register, Provided that the Secretary is satisfied that the person concerned possesses a recognised physical education qualification.

24. REMOVAL OF NAMES FROM THE INDIAN PHYSICAL EDUCATION PROFESSIONAL'S REGISTER

1. If the name of any person enrolled on a State Physical Education Professional's Register is removed there from in pursuance of any power conferred by or under any law relating to physical education professionals for the time being in force in any State, the Council shall direct the removal of the name of such person from the Indian Physical Education Professional's Register.
2. Where the name of any person has been removed from a State Physical Education Professional's Register on the ground of professional misconduct or any other ground except that he not possessed of the requisite physical education qualifications or where any application made by the said person for restoration of his name to the State Physical Education Professional's Register has been rejected, he may appeal in the prescribed manner and subject to such conditions including conditions as to the payment of a fee as may be laid down in rules made by the Council in this behalf, to the Central Government, whose decision, which shall be given after consulting the Council, shall be binding on the State Government and on the authorities concerned with the preparation of the State physical education professional's Register.

25. PROVISIONAL REGISTRATION

1. A citizen of India possessing a physical education qualification granted by a physical education institution outside India included in part II of the Third Schedule, who is required to undergo practical training as prescribed under sub section (3) of Section 13, shall, on production of proper evidence that he has been selected for such practical training in an approved institution be entitled to be registered provisionally in a State physical education professional's Register and shall be entitled to profess physical education in the approved institution for the purposes of such training and for no other purpose.

2. A person who has passed the qualifying examination of any university or physical education Institution in India for the grant of a recognized physical education qualification shall be entitled to be registered provisionally in a State physical education professional's Register for the purpose of enabling him to be engaged in employment in a resident physical education professionals capacity in any approved institution, or in the physical education Service of the schools or colleges or institutions or university of the Union, and for no other purpose, on production of proper evidence that he has been selected for such employment.
3. The names of all persons provisionally registered under sub-section (1) or sub-section (2) in the State physical education professional's Register shall be entered therein separately from the names of other persons registered therein.
4. A person registered provisionally as aforesaid who has completed practical training referred to in sub section (1) or who has been engaged for the prescribed period in employment in a resident physical education professionals capacity in any approved institution or in the physical education service of the schools or colleges or institutions or university of the Union, as the case may be, shall be entitled to registration in the State Physical Education Professional's Register under Section 15.

26. REGISTRATION OF ADDITIONAL QUALIFICATIONS

1. If any person whose name is entered in the Indian Physical Education Professional's Register obtains any title, diploma or other qualification for proficiency in any other allied innovative or multidisciplinary subject recognized with physical education qualification, he shall, on application made in this behalf in the prescribed manner be entitled to have any entry stating such other title, diploma or other qualification made against his name in the Indian Physical Education Professional's Register either in substitution for or in addition to any entry previously made.
2. The entries in respect of any such person in a State Physical Education Professional's Register shall be altered in accordance with the alterations made in the Indian Physical Education Professional's Register.

27. PRIVILEGES OF PERSONS WHO ARE ENROLLED ON THE INDIAN PHYSICAL EDUCATION PROFESSIONAL'S REGISTER

Subject to the conditions and restrictions laid down in this Act, regarding Physical Education Profession by persons possessing certain recognised Physical Education qualifications, every person whose name is for the time being borne on the Indian Physical Education Professional's Register shall be entitled according to his qualifications to practice as a Physical Education Professional in any part of India and to recover in due course of law in respect of such profession any expenses, charges in respect of physical educator or other appliances, or any fees or salary to which he may be entitled.

28. PERSONS ENROLLED ON THE INDIAN PHYSICAL EDUCATION PROFESSIONAL'S REGISTER TO NOTIFY CHANGE OF PLACE OF RESIDENCE OR PRACTICE

Every person registered in the Indian Physical Education Professional's Register shall notify any transfer of the place of his residence or profession or employment to the Council and to the State Physical Education Council concerned, within thirty days of such transfer failing which his right to participate in the election of members to the Council or a State Physical Education Council shall be liable to be forfeited by order of the Council either permanently or for such period as may be specified therein.

29. INFORMATION TO BE FURNISHED BY THE COUNCIL AND PUBLICATION THEREOF

1. The Council shall furnish such reports, copies of its minutes, abstracts of its accounts, and other information to the Central Government as that Government may require.
2. The Central Government may publish in such manner as it may think fit, any report, copy, abstract or other information furnished to it under this section or under sections 17 and 18.

30. COMMISSION OF INQUIRY

1. Whenever it is made to appear to the Central Government that the Council is not complying with any of the provisions of this Act, the Central Government may refer the particulars of the complaint to a Commission of Inquiry consisting of three persons two of whom shall be appointed by the Central Government (of above the rank of chairman of the council), one being a Judge of a Supreme Court and one by the Council, and such Commission shall proceed to inquire in to the matter after giving the opportunity to the council to represent either through its secretary and or an advocate. The Commission of Inquiry shall report to the Central Government as to the truth of the matters charged in the complaint, and in case of any charge of default or of improper action being found by the commission to have been established, the Commission shall recommend the remedies, if any, which are in its opinion necessary. A copy of the report shall also be furnished to the Council.
2. The Central Government may require the Council to adopt the remedies so recommended within such time as, having regard to the report of the Commission, it may think fit, and if the Council fails to comply with any such requirement, the Central Government may amend the regulations of the Council, or make such provision or order or take such other steps as may seem necessary to give effect to the recommendations of the Commission.
3. A Commission of inquiry shall have power to administer oaths, to enforce the attendance of witnesses and the production of documents, and shall have all such other necessary powers for the purpose of any inquiry conducted by it as are exercised by a Civil Court under the Code of Civil Procedure, 1908.

31. PROTECTION OF ACTION TAKEN IN GOOD FAITH

No suit, prosecution or other legal proceeding shall lie against the Government, the Council or a State Physical Education Council or any Committee thereof, or any Officer or servant of the Government or Councils aforesaid for anything which is in good faith done or intended to be done under this Act.

32. POWER TO MAKE RULES

1. The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.
2. All rules made under this section shall be laid for not less than thirty days before both Houses of Parliament as soon as possible after they are made, and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

33. POWER TO MAKE REGULATIONS

1. The Council may, with the previous sanction of the Central Government, make regulations generally to carry out the purposes of this Act, and without prejudice to the generality of this power, such regulations may provide for:-

- a. the management of the property of the Council and the maintenance and audit of its accounts;
- b. the summoning and holding of meetings of the Council, the times and places where such meetings are to be held, the conduct of business thereat and the number of members necessary to constitute a quorum;
- c. the resignation of members of the Council;
- d. the powers and duties of the Chairman, Secretary and Vice-Chairman
- e. the mode of appointment of the Executive Committee and other Committees, the summoning and holding of meetings and the conduct of business of such Committees;
- f. the tenure office, and the powers and duties of the Director and other officers and servants of the Council; (fa) the form of the scheme, the particulars to be given in such scheme, the manner in which the scheme is to be preferred and the fee payable with the scheme under clause (b) of sub-section (2) of section 10A; (fb) any other factors under clause (g) of sub-section (7) of section 10A; (fc) the criteria for identifying a student who has been granted a physical education qualification referred to in the Explanation to sub-section (3) of section 10B;
- g. the particulars to be stated, and the proof of qualifications to be given in applications for registration under this Act;
- h. the fees to be paid on applications and appeals under this Act;
- i. the appointment, powers, duties and procedure of Physical Education inspectors and visitors;
- j. the courses and period of study and of practical training to be undertaken, the subjects of examination and the standards of proficiency therein to be obtained, in Universities or Physical Education institutions for grant of recognized Physical Education qualifications;
- k. the standards of staff, equipment, accommodation, training and other facilities for Physical Education education;

- l. the conduct of professional examination; qualifications of examiners and the conditions of admissions to such examinations;
- m. the standards of professional conduct and etiquette and code of ethics to be observed by physical education professional's and (m a) the modalities for conducting screening tests under sub-section (4A), and under the proviso to sub-section (4B), and for issuing eligibility certificate under sub-section (4B), of section 13,.
- n. any matter for which under this Act provision may be made by regulations.

34. REPEAL OF ACT 27 OF 1933

The rules and regulations for Physical Education as contained in the National Council for Teacher Education Act, 1993 is hereby repealed.

35. TRANSITIONAL PROVISIONS.

1. Notwithstanding anything contained in this Act, until the Council is constituted by the parliament of India in accordance with the provisions of this Act:-
 - a. the All India Principals Association of the Physical Education Colleges as constituted immediately before the present draft of the All India Council for Physical Education Act, 2007 is constituted immediately with the addition of seven members nominated thereto by the Central Government from among persons who possess the Physical Education qualifications and holding the post not below the rank of Professor of Physical Education shall be deemed to be the Council constituted under this Act and may exercise any of the powers conferred or perform any of the duties imposed on the Council; and any vacancy occurring in the said Physical Education Council may be filled up in such manner as members may think fit; and
 - b. the Chairman, Vice-chairman and Secretary, Executive Committee and other Committees of the said Physical Education Council, as nominated by All India Principals Association of the Physical Education Colleges as constituted immediately before the commencement of this Act, shall be deemed to be the Executive Committee and the Committees constituted under this Act. They shall hold the office for a term of five years and shall continue to be the Chairman, Vice-chairman and Secretary for the first five year term after the commencement of the All India Council for Physical Education by the parliament as if they have been elected as per the provisions of the election of the Act.

36. PROCEDURE REGARDING REGISTRATION AND RELATED MATTERS

The Council issues Provisional Registration u/s 25(2) of the AICPE Act, 2007 to the candidates possessing recognised Physical Education qualifications awarded by the Indian Universities to undergo one year internship training provided the candidates submits a copy of pass certificate and NOC. from the Principal of the college along with the marks sheet duly verified by the Dean of the Faculty of Physical Education of the affiliating University and the required fee for Rs.1500/- by a Bank Draft in favour of Secretary, AICPE.

The Council issues Permanent Registration u/s 23 of the AICPE Act, 2007 to the candidates possessing recognised Physical Education qualifications

awarded by the Indian Universities provided the candidate surrender Provisional Registration certificate (in original), Internship Completion Certificate and the required fee for Rs.5000/- by a Bank Draft in favour of Secretary, All India Council for Physical Education.